

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9470 of 2016

ORDER:

Heard Abdul Muqeeth Quresh, learned counsel for the petitioner, and Sri Md. Saleem, learned Standing Counsel for the second respondent – Adoni Municipality.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanied affidavit, it is therefore humbly prayed that this Honourable Court may be pleased to issue a Writ or Writs more appropriately a Writ of Mandamus declaring the notice issued by the respondent No.3 R.O.C.No.807/2015/A dated 21.12.2015 in respect of Shop No.7 situated at Santhapet Municipal Complex near Meer Mohammed Shah Quadri Dargah, Adoni, Kurnool District, A.P., and the action of the respondent 2 and 3 trying to evict the petitioner from the above mentioned premises without following due process of law is illegal, void, ultravires and un-constitutional in the interest of justice and equity or to pass such other order or orders as deem fit and proper in the circumstances of the case.”

The impugned notice dated 21.12.2015 was issued under the provisions of Section 194(1) of the Andhra Pradesh Municipalities Act, 1965 (for brevity ‘the Act of 1965’). The petitioner claims to have submitted his reply thereto. However, the copy placed before this Court does not bear the evidence of service thereof upon the municipality.

In any event, irrespective of whether the petitioner submitted his explanation or not, the second respondent – Adoni Municipality is bound to pass final orders under Section 194(2) of the Act of 1965 before proceeding further in the matter. The Adoni Municipality shall therefore follow this procedure laid down by the statute. Pending passing of the final orders, the Adoni Municipality shall not take any coercive steps against the petitioner.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:22.03.2016

GJ